

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UMB BANK, N.A.,
:

Plaintiff,
:

-v-
:

BRISTOL-MYERS SQUIBB COMPANY,
:

Defendants.
:
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21-CV-4897 (JMF)


ORDER

JESSE M. FURMAN, United States District Judge:

Defendant Bristol-Myers Squibb Company (“BMS”) seeks leave to file an early summary judgment motion on the ground that Plaintiff UMB Bank, N.A. (“UMB”) lacks standing. *See* ECF No. 63. Upon review of the parties’ letters on the issue, *see id.*; ECF No. 65; *see also* ECF No. 66, at 3, the Court grants BMS leave. In doing so, the Court intimates no view on the merits of such a motion. Instead, the Court does so on the theory that the issue is separate and distinct from the merits and because — whether the issue is jurisdictional or not, whether or not BMS’s argument could be and was waived, and whether any defect is curable or not — there is an interest in resolving the issue sooner rather than later. The parties shall promptly confer and submit a proposed briefing schedule, mindful of UMB’s claim that it needs additional discovery relevant to the issue, *see* ECF No. 65, at 5; *but see* Fed. R. Civ. P. 56(d) (providing a procedural remedy for a party opposing summary judgment that contends there are “facts essential to justify its opposition” that are not available), as well as the current fact-discovery deadline.

SO ORDERED.

Dated: December 15, 2023
New York, New York



JESSE M. FURMAN
United States District Judge